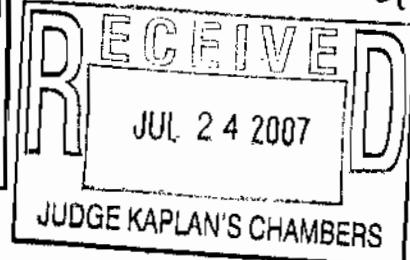


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DATE FILED: 7/25/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



CHRISTINE HATCHER, Individually and on Behalf of
All Other Persons Similarly Situated,

Plaintiffs,

- against -

06 CIV. 705 (LAK)

CONCERNED HOME MANAGERS FOR THE
ELDERLY, INC.,

Defendants.

**STIPULATION AND
ORDER OF DISMISSAL
WITH PREJUDICE**

WHEREAS, this Court "so ordered" the parties Stipulation of Stay on February 9, 2007 and transferred this case to the suspense docket, pending the outcome in *Coke v. Long Island Care at Home* ("Coke"), 376 F.3d 118 (2d Cir. 2004), cert. granted, vacated by, 545 U.S. 1103, aff'd in part, vacated in part, remanded, 462 F.3d 48 (2d Cir.), cert. granted, No. 06-593 (U.S. Jan. 5, 2007); and

WHEREAS, the United States Supreme Court issued its decision in the *Coke* case on June 11, 2007, No. 06-593, 2007 U.S. LEXIS 7717 (U.S. June 11, 2007), sustaining the U.S. Department of Labor's regulation exempting home health care aides and companion services workers from the minimum wage and overtime pay provisions of the Fair Labor Standards Act; and

WHEREAS, the Supreme Court's decision resolves all the federal claims in this litigation;

IT IS HEREBY stipulated by and between counsel for the parties, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, that:

1. All the federal law claims under the Fair Labor Standards Act, as amended, in the above-captioned action, are hereby dismissed with prejudice and without an award of costs, disbursements, attorneys' fees or interest to any party;

2. The state law claims are voluntarily withdrawn in their entirety without prejudice and without an award of costs, disbursements, attorneys' fees or interest to any party.

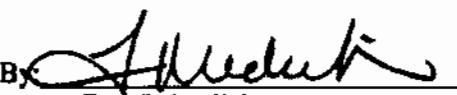
Dated: New York, New York
July 18, 2007

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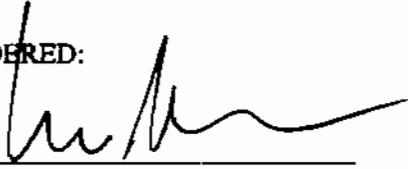
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Attorneys for Plaintiff

By: 
Fran L. Rudich
Bradley Ian Berger
Jeffrey M. Gottlieb

SO ORDERED:


UNITED STATES DISTRICT JUDGE

Dated: 7/14/07